

1 AROCLES AGUILAR (SBN 94753)
2 HARVEY Y. MORRIS (SBN 87902)
3 MITCHELL SHAPSON (SBN 127860)
4 POUNEH GHAFFARIAN (SBN 242779)
5 JONATHAN C. KOLTZ (SBN 268793)
6 California Public Utilities Commission
7 505 Van Ness Avenue
8 San Francisco, CA 94102
9 Telephone: (415) 703-2760
10 Facsimile: (415) 703-2262
11 Email: jk5@cpuc.ca.gov

12 *Attorneys for the California Public
13 Utilities Commission Defendants*

14 *See Attachment A for Remaining Parties'
15 Names and Addresses*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 A WHITE AND YELLOW CAB, INC.,
20 Plaintiff,
21 vs.
22 UBER TECHNOLOGIES, INC., et al.,
23 Defendants.

24 **Case No.: 4:15-cv-05163-JSW**

25 **STIPULATION TO EXTEND TIME
26 FOR RESPONSIVE PLEADINGS;
27 STIPULATION TO RESCHEDULE
28 FEBRUARY 12, 2016 CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

29 **Honorable Jeffrey S. White**

1 Under Civil Local Rule 6-2, Plaintiff A White and Yellow Cab, Inc. ("Plaintiff");
 2 Defendants California Public Utilities Commission and Defendants Michael Picker, Michel
 3 Florio, Catherine Sandoval, Carla Peterman, and Liane Randolph, in their official capacities as
 4 Commissioners of the California Public Utilities Commission ("CPUC Defendants"); and
 5 Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC ("Uber Defendants"),
 6 by and through their respective undersigned counsel, stipulate as follows:

7 1. Plaintiff served its summons and complaint on the CPUC Defendants on January
 8 7, 2016. Ordinarily, the CPUC Defendants' responsive pleading would be due on January 28,
 9 2016, under Fed. R. Civ. P. 6(a)(1)(A) and 12(a)(1)(A)(i).

10 2. On January 7, 2016, the Uber Defendants waived service of Plaintiff's complaint.
 11 Their responsive pleading is due on March 7, 2016, under Fed. R. Civ. P. 4(d)(3).

12 3. Both the CPUC Defendants and the Uber Defendants anticipate filing motions to
 13 dismiss the complaint under Fed. R. Civ. P. 12(b). The CPUC Defendants and the Uber
 14 Defendants believe it would serve the interests of judicial economy to have the Defendants'
 15 motions heard by the Court at the same time.

16 4. The CPUC Defendants have requested an additional period of time of an extra
 17 thirty-eight days beyond the twenty-one days allowed them under Fed. R. Civ. P. 6(a)(1)(A) and
 18 12(a)(1)(A)(i) within which to file their motion. Plaintiff's counsel has requested a
 19 corresponding additional thirty-eight day extension of time in addition to the fourteen days
 20 allowed Plaintiff's counsel under Local Rule 7-3(a) within which to file an Opposition to the
 21 Defendants' Motions. All parties agree to these corresponding extensions. Further, Plaintiff's
 22 counsel has requested that no hearings be set for the week of April 15-22 since she will be out
 23 of the office that week on a personal business matter, and counsel for the Uber Defendants have
 24 requested that no hearings be set between the dates of May 9-20, 2016 because of counsel's trial
 25 schedule. The parties agree to accommodate each others' schedules.

26
 27
 28 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR RESPONSIVE PLEADINGS AND TO
 RESCHEDULE CMC

4:15-cv-05163-JSW

1 5. The parties therefore stipulate, and request that the Court order, that the CPUC
2 Defendants' motion to dismiss and/or other responsive pleading will be due on March 7, 2016,
3 60 days after service, and 38 days after those pleadings ordinarily would have been due.

4 6. The parties further stipulate, and request that the Court order, that Plaintiff's
5 opposition to the Defendants' motions will be due 52 days after the Defendants file and serve
6 their motions (i.e., as to the CPUC Defendants, 38 days after the opposition ordinarily would
7 have been due under Civil Local Rule 7-3(a)).

8 7. The parties further stipulate, and request that the Court order, that Defendants'
9 replies to Plaintiff's oppositions will be due 14 days after Plaintiff files and serves its opposition
10 (i.e., 7 days after the replies ordinarily would have been due under Civil Local Rule 7-3(c)).

11 8. The Initial Case Management Conference in this case is currently scheduled for
12 February 12, 2016. The Uber Defendants and the CPUC Defendants believe that their
13 anticipated motions to dismiss may obviate the need for any Case Management Conference
14 until those motions are heard and ruled on. The parties therefore request that the Initial Case
15 Management Conference, currently scheduled for February 12, 2016, be vacated and
16 rescheduled.

17 9. The parties understand that the Court schedules both Civil Law and Motion and
18 Case Management Conferences on Friday mornings. If possible, the parties request that both a
19 hearing on the Defendants' motions to dismiss and the Initial Case Management Conference, if
20 necessary, be scheduled for the same day.

21 10. The parties therefore request that the Court conduct a hearing on the Defendants'
22 motions to dismiss, followed by an Initial Case Management Conference, if necessary, on June
23 3, 2016, or as soon thereafter as the parties may be heard.

24 ///

25 ///

26 ///

27 STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR RESPONSIVE PLEADINGS AND TO
28 RESCHEDULE CMC
4:15-cv-05163-JSW

1 **IT IS SO STIPULATED.**

2 Respectfully submitted,

3 Dated: January 28, 2016

5 By: /s/ Jonathan C. Koltz
6 JONATHAN C. KOLTZ

7 Attorney for the CPUC Defendants

9 By: /s/ Marshall Wallace
10 MARSHALL WALLACE

12 Attorney for the Uber Defendants

5 /s/ Maryann Cazzell
6 MARYANN CAZZELL

7 Attorney for the Plaintiff

13 **CERTIFICATION**

14 I, Jonathan C. Koltz, am the ECF User whose identification and password are being used
15 to file this Stipulation for Extension of Time to File Responsive Pleadings. In compliance with
16 Civil Local Rule 5-1(i)(3), I attest that I have obtained concurrence in the filing of this
17 document from each of the other signatories.

18 Dated: January 28, 2016

19 /s/ Jonathan C. Koltz

[PROPOSED] ORDER

Pursuant to stipulation, and good cause appearing, it is hereby ORDERED that:

1. No later than March 7, 2016, the CPUC Defendants shall file and serve their motion to dismiss or other responsive pleading.

2. No later than 52 days after the Defendants file and serve their responsive pleadings, Plaintiff shall file and serve oppositions to those responsive pleadings, if any.

3. No later than 14 days after Plaintiff files and serves oppositions to those responsive pleadings, the Defendants shall file and serve their replies, if any.

4. The Initial Case Management Conference, currently scheduled for February 12, 2016, is vacated.

5. The hearing of Defendants' anticipated motions shall take place on June 3, 2016, at 9:00 a.m.

6. The Court will conduct the Initial Case Management Conference on the same Friday as the anticipated motions to dismiss are to be heard, at 11:00 a.m.

IT IS SO ORDERED.

Dated: February 2, 2016

Jeffrey S. White
The Honorable Jeffrey S. White
United States District Judge

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR RESPONSIVE PLEADINGS AND TO RESCHEDULE CMC